PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: | James M. Robl et al. | Confirmation No.: | 4828 |
| Serial No.: | 10/705,519 | Art Unit: | 1632 |
| Filed: | November 10, 2003 | Examiner: | Deborah Crouch |
| Customer No.: | 21559 | | |

Title: TRANSGENIC UNGULATES HAVING REDUCED PRION PROTEIN ACTIVITY AND USES THEREOF

DECLARATION OF DR. YOSHIMI KUROIWA TRAVERSING GROUNDS OF REJECTION OVER GOOD

Under 37 C.F.R. § 1.132 and regarding the rejection for anticipation by Good et al. (U.S. Patent Publication No. 2002/0069423; hereafter "Good") in the Office Action mailed August 9, 2007, I declare:

1. I am an inventor of the subject matter that is described and claimed in the above-captioned patent application. My curriculum vita is of record.

2. I have considered the statement by the Office, "at the time of filing, transfected fetal fibroblasts had been isolated in the art by culturing transfected fibroblasts in the presence of selection medium followed by isolation with cloning rings ([Bondioli, et al. Mole. Reproduct. Develop., 2001, 60] page 190. col. 1, parag. 2, lines 10-24)," and disagree with the Office's conclusions. The Bondioli reference attempted to introduce a puromycin resistance gene into fibroblasts from a transgenic boar (page 190, first column). The authors then used cells isolated using cloning rings from puromycin-containing medium to produce cloned piglets (pages 190-191). PCR analysis of the cloned piglets indicated, however, that they did not contain the puromycin resistance gene (page 191, second column). Thus,

Considered.
D. Crouch
6/5/08